

REPORT OF THE COMMITTEE ON ZONING AND PLANNING

Voting Members:

Ikaika Anderson, Chair; Breene Harimoto, Vice-Chair;
Ann H. Kobayashi, Ron Menor, Kymberly Marcos Pine

Committee Meeting Held
February 6, 2014

Honorable Ernest Y. Martin
Chair, City Council
City and County of Honolulu

Mr. Chair:

Your Committee on Zoning and Planning, to which was referred Resolution 14-29
entitled:

"RESOLUTION SUPPORTING THE REPEAL OF THE HAWAII COMMUNITY
DEVELOPMENT AUTHORITY,"

introduced on January 31, 2014, reports as follows:

The purpose of Resolution 14-29 is to support repeal of the Hawaii Community
Development Authority as provided by State House Bill 1864 (2014).

The Hawaii Community Development Authority (Authority) was created in 1976 to
plan for and revitalize areas in need of redevelopment. Within the city, the Authority has
jurisdiction over the Kakaako, Kalaeloa, and Heeia community development districts.
Chapter 206E, Hawaii Revised Statutes (HRS), empowers the Authority with planning,
regulation, and development responsibilities within the community development
districts.

House Bill 1864 (2014) would repeal HRS Chapter 206E (Hawaii Community
Development Authority), and transfer the duties and functions of the Authority to the
counties. The Bill also provides for the City and Authority to form a transition working
group to assist with the transition of duties.

CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ADOPTED ON FEB 19 2014

COMMITTEE REPORT NO. 44

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At your Committee's meeting on February 6, 2014, representatives of Hawaii's Thousand Friends, the Chamber of Commerce for Persons with Disabilities, Hawaii Kakaako United and UNITE HERE Local 5 offered testimony in support of the Resolution. Representatives of The Pacific Resource Partnership; the Hawaii Construction Alliance; the Hawaii Building and Construction Trades Council, AFL-CIO; and the Land Use Research Foundation of Hawaii spoke in opposition to Resolution 14-29. Testimony in support of the Resolution was received from 41 members of the public, and a petition in support also was received. Comments were received from four members of the public. The Land Use Research Foundation representative supported the CD1 version of the Resolution, which is discussed herein.

Your Committee considered a hand-carried CD1 version of the Resolution. The CD1 would 1) retain the powers, duties, and functions of the Hawaii Community Development Authority but allow the counties to directly appoint "county members" to the community development district boards; and 2) add the county director of planning as a member of community development district boards within the county's jurisdiction.

After consideration and discussion, your Committee voted to amend Resolution 14-29 to the CD1 version with the aforementioned changes. The Director of Planning and Permitting stated that the department would not oppose the CD1.

CITY COUNCIL

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HONOLULU, HAWAII

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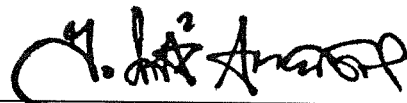
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Your Committee on Zoning and Planning is in accord with the intent and purpose of Resolution 14-29, as amended herein, and recommends its adoption in the form attached hereto as Resolution 14-29, CD1. (Ayes: Anderson, Harimoto, Kobayashi, Pine – 4; Ayes with reservations: Menor – 1; Noes: None.)

Respectfully submitted,



Committee Chair

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ADOPTED ON FEB 19 2014

COMMITTEE REPORT NO. 44



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. 14-29, CD1

RESOLUTION

SUPPORTING AMENDMENTS TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY.

WHEREAS, the Hawaii Community Development Authority ("Authority") was created in 1976 to plan for and revitalize areas of the State in need of redevelopment; and

WHEREAS, on Oahu, the Authority currently exercises jurisdiction over the Kakaako Community Development District, the Kalaeloa Community Development District and the Heeia Community Development District; and

WHEREAS, the Authority is empowered with comprehensive planning, regulation, and development responsibilities of the community development districts under its jurisdiction; and

WHEREAS, Section 206E-3(b), HRS, establishes a board for each community development district headed by nine members; and

WHEREAS, three of the nine members of each board are "county members" appointed to 4-year terms by the Governor from a list provided by the local governing body; and

WHEREAS, the City and County of Honolulu plans, develops, and maintains roadway, sewer, water, and drainage systems, as well as parks and community facilities throughout Oahu; and

WHEREAS, the Council believes that it would be appropriate for each county to have the authority to appoint its respective county members to the community development district boards within its jurisdiction to ensure that local interests and concerns are represented; and

WHEREAS, the Council further believes that it would be appropriate to have the respective county planning directors as members of the community development district boards within their jurisdiction to ensure that land use, infrastructure, and community planning efforts are coordinated; now, therefore,



RESOLUTION

BE IT RESOLVED by the Council of the City and County of Honolulu that this body supports amending section 206E-3, HRS, to allow the governing body of each county to appoint county members to the community development district boards within their jurisdiction, and to have the county planning directors as members of community development district boards in their jurisdiction, as proposed in Exhibit A; and

BE IT FINALLY RESOLVED that copies of this Resolution be transmitted to the Governor of the State of Hawaii, House Speaker Joseph Souki, Senate President Donna Mercado Kim, Representative Cindy Evans, and Representative Sylvia Luke.

INTRODUCED BY:

Ikaika Anderson

DATE OF INTRODUCTION:

January 31, 2014
Honolulu, Hawaii

Councilmembers

EXHIBIT A

____.B. NO.____

A BILL FOR AN ACT

RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The purpose of this Act is to allow each
2 county's governing body to appoint the county members to
3 community development district boards within their jurisdiction.

4 SECTION 2. Section 206E-3, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "206E-3 Hawaii community development authority;
7 established. (a) There is established the Hawaii community
8 development authority, which shall be a body corporate and a
9 public instrumentality of the State, for the purpose of
10 implementing this chapter. The authority shall be placed within
11 the department of business, economic development, and tourism
12 for administrative purposes.

13 (b) The authority shall consist of [~~nine~~] ten voting
14 members for each community development district established in
15 this chapter. The director of finance, the director of
16 business, economic development, and tourism, the comptroller,

____.B. NO. _____

1 and the director of transportation, or their respective
2 designated representatives, shall serve as ex officio, voting
3 members of the authority; provided that, in addition:

4 (1) A cultural expert shall be appointed by the governor
5 pursuant to section 26-34 as a voting member;

6 (2) One member shall be appointed by the governor pursuant
7 to section 26-34 as a voting member; provided further that this
8 paragraph shall not apply to the Kalaeloa community development
9 district; and

10 (3) The chairperson of the Hawaiian homes commission or
11 the chairperson's designee, shall serve as an ex officio, voting
12 member for the Kalaeloa community development district only,
13 shall be considered in determining quorum and majority only on
14 issues relating to the Kalaeloa community development district,
15 and shall vote only on issues relating to the Kalaeloa community
16 development district.

17 (4) The county director of planning or the director's
18 designee, shall serve as an ex officio, voting member for
19 community development districts within the county's
20 jurisdiction.

21 Three additional members, hereinafter referred to as county
22 members, shall be ~~[selected by the governor from a list of ten~~

_____.B. NO. _____

1 ~~prospective appointees recommended]~~ appointed by the local
2 governing body of the county in which each designated district
3 is situated~~]; provided that when vacancies occur in any of the~~
4 ~~three positions for which the members were selected from a list~~
5 ~~of county recommendations, the governor shall fill such~~
6 ~~vacancies on the basis of one from a list of four~~
7 ~~recommendations, two from a list of seven recommendations, or~~
8 ~~three from a list of ten recommendations. The list of~~
9 ~~recommendations shall be made by the local governing body of the~~
10 ~~county].~~ Of the three members appointed as county members
11 ~~[recommended]~~by the local governing body of the county in which
12 each designated district is situated, two members shall
13 represent small businesses and shall be designated as the small
14 business representatives on the board whose purpose, among other
15 things, is to vote on matters before the board that affect small
16 businesses. The small business representatives shall be owners
17 or active managers of a small business with its principal place
18 of operation located within the physical boundaries of each
19 designated district. Notwithstanding section 84-14(a), the
20 small business representatives may vote on any matter concerning
21 any district under the board's jurisdiction other than matters
22 concerning the Heeia community development district; provided

____.B. NO. ____

1 that the matter is not limited to solely benefiting the specific
2 interest of that member and the matter concerns broader
3 interests within the district. One of the county members shall
4 be a resident of the designated district; provided that for
5 purposes of this section, the county member who is a resident of
6 the Kalaeloa community development district shall be a resident
7 of the Ewa zone (zone 9, sections 1 through 2), or the Waianae
8 zone (zone 8, sections 1 through 9) of the first tax map key
9 division. The county members shall be considered in determining
10 quorum and majority only on issues not relating to the Heeia
11 community development district and may only vote on issues not
12 related to the Heeia community development district.

13 Three additional voting members shall be appointed to the
14 authority by the [~~governor~~]Honolulu city council pursuant to
15 section 26-34 to represent the Heeia community development
16 district. These three members shall be considered in
17 determining quorum and majority only on issues relating to the
18 Heeia community development district and may vote only on issues
19 related to the Heeia community development district. The three
20 members shall be residents of the Heeia community development
21 district or the Koolau-poko district which consists of sections 1
22 through 9 of zone 4 of the first tax map key division.

____.B. NO. _____

1 If an additional district is designated by the legislature,
2 the ~~[governor]~~local governing body shall appoint three county
3 members as prescribed above for each additional designated
4 district.

5 Notwithstanding section 92-15, a majority of all members
6 shall constitute a quorum to do business, and the concurrence of
7 a majority of all members shall be necessary to make any action
8 of the authority valid; except as provided in this subsection.
9 All members shall continue in office until their respective
10 successors have been appointed and qualified. Except as herein
11 provided, no member appointed under this subsection shall be an
12 officer or employee of the State or its political subdivisions.

13 For purposes of this section, "small business" means a
14 business which is independently owned and which is not dominant
15 in its field of operation.

16 (c) The authority shall appoint the executive director
17 who shall be the chief executive officer. The authority shall
18 set the salary of the executive director, who shall serve at the
19 pleasure of the authority and shall be exempt from chapter 76.

20 (d) The authority shall annually elect the chairperson and
21 vice chairperson from among its members.

____.B. NO. _____

1 (e) The members of the authority appointed under
2 subsection (b) shall serve without compensation, but each shall
3 be reimbursed for expenses, including travel expenses, incurred
4 in the performance of their duties."

5
6 SECTION 3. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 4. This Act shall take effect upon approval.

9 INTRODUCED BY: _____

10